

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Roger Alberto *et al.*

Art Unit: 1618

Serial No.: 10/576,839

Filed: April 20, 2006

Confirmation No.: 2298

For: USE OF METAL TRICARBONYL COMPLEXES AS RADIOTHERAPEUTIC
CHEMOTOXIC AGENTS

Examiner: Dameron Levest Jones

July 16, 2010

Rule 1.132 Declaration (*In re* Katz) of Roger Alberto and Fabio Zobi

TO THE COMMISSIONER OF PATENTS,

SIR:

We, Roger Alberto and Fabio Zobi, the named inventors for the above-identified patent application, state as follows:

1. We are the sole inventors of the methods and compounds described and claimed in the above identified patent application.
2. We, along with Bernhard Spingler and Thomas Fox, are co-authors of the paper entitled "Toward Novel DHA Binding Metal Complexes: Structure and Basic Kinetic Data of $[M(9MeG)_2(CH_3OH)(CO_3)]^+$ ($M=^{99}Tc, Re$)" published in *Inorganic Chemistry*, Vol. 42, No. 9, pages 2818-2820, May 2003, published on Web 04/05/2003 ("Zobi *et al.* (2003)").
3. The other individuals listed as authors of the Zobi *et al.* paper, namely Bernhard Spingler and Thomas Fox, did not discover or invent the methods or compounds described or claimed in the above identified application. Furthermore, neither of these individuals made a conceptual contribution to the inventions claimed in the present application.
4. At the time the studies described in the Zobi *et al.* paper were conducted, Bernhard Spingler was a Postdoctoral Researcher in our laboratory. Dr. Spingler contributed to the paper by solving the X-ray crystal structures of some of the published compounds. Accordingly, Dr. Spingler did not make conceptual contributions to the methods and compounds claimed in the present application.
5. At the time the studies described in the Zobi *et al.* paper were conducted, Thomas Fox was a as a technician in our laboratory, responsible for recording the NMR spectra. Mr.

Fox contributed to the paper by recording and analyzing some of the more complicated NMR spectra. Accordingly, Mr. Fox did not make conceptual contributions to the methods and compounds claimed in the present application.

6. We hereby declare that all statements made herein of own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that the such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 16th, 2010



Roger Alberto

Date: July 16th, 2010



Fabio Zobi